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CONTEMPORARY FORMS OF SLAVERY

The recruitment of children into governmental and non-governmental armed forces

Updated report of the Secretary-General prepared pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1991/34

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IRAQ

5 June 1992
[Original: Arabic]

1. The Government of Iraq states that no children in Iraq are recruited into the Iraqi Government armed forces, since article 2 of Act No. 2 of 1992, promulgating the thirty-first amendment to the Military Service Act No. 65 of 1969, stipulates as follows:

> "Compulsory service for a period of 36 months is required of every person who has reached the age of 19 years and who has not attended or has left school, or who has not completed his intermediate education or, after completing it, has not enrolled for preparatory education or its equivalent or who, having enrolled for preparatory education, has not completed it on reaching the age of 23 years".

In accordance with the text of this article, compulsory service is required of persons who have reached the age of 19 years. It should be noted that there are no non-governmental armed forces in Iraq.

2. The Government of Iraq wishes to emphasize that children enjoy opportunities and facilities for healthy and natural physical, mental, moral, spiritual and social development, as guaranteed by its national legislation which also protects children from all forms of cruelty, exploitation and contemporary forms of slavery and prohibits the sale or traffic in children, as well as their exploitation for purposes of prostitution, pornography, employment under harsh working conditions, or organ transplantation.

KUWAIT

25 June 1992
[Original: Arabic]

3. The Constitution of Kuwait stipulates that peace is the aim of the State (art. 157) and therefore prohibits offensive war (art. 68), while designating national defence as a sacred duty and an honour regulated by law (arts. 47 and 158).

4. Accordingly, pursuant to the Constitution, military service in the State of Kuwait is divided into two categories: voluntary and compulsory.

5. The first category is governed by the legal provisions of the Army Act No. 32 of 1967, which is still in force and has made an effective contribution to the establishment of the modern Kuwaiti regular armed forces.

6. Chapter II of the Act specifies the conditions under which officers, NCOs and other ranks can be recruited into the Kuwaiti army. According to article 32 thereof, an officer must be at least 21 years of age on enlistment and article 40 further stipulates that NCOs and other ranks must be not less than 18 years of age on enlistment.

7. The second category, namely compulsory military service, was first introduced under the terms of Act No. 13 of 1976, which entered into force in 1979 and was subsequently superseded by the present Compulsory Service Act No. 102 of 1980. Both Compulsory Service Acts were consistent with the above-mentioned Army Act in regard to their stipulations concerning age of enlistment for compulsory service in so far as article 2 thereof specifies that compulsory service is an obligation incumbent on every male Kuwaiti over 18 and under 30 years of age.

8. It is noteworthy that the academic interests of students and other humanitarian and social circumstances are duly taken into account in these legislative provisions, under the terms of which students and persons with dependants to support are permitted to postpone their compulsory military service until the age of 28 and, in some cases, until the age of 33. Most persons conscripted for military service are between the ages of 22 and 28.

9. The Kuwaiti Employment Act No. 38 of 1964 safeguards juveniles by prohibiting their employment. Article 17 of the Act defines a juvenile as any male or female over 14 but under 18 years of age and article 18 of the same Act prohibits the employment of persons of either sex who are under 14 years of age. Article 19 prohibits the employment of juveniles in industries and occupations that are dangerous or detrimental to health. The State of Kuwait respects children, none of whom are serving in its armed or other forces in view of the above-mentioned minimum age of enlistment stipulated in legislative acts that have been in force for many years and the legal and constitutional provisions, which have never been violated since the time of their promulgation. The State of Kuwait does not have so-called non-governmental armed forces, since Kuwaiti law prohibits their existence within the territory of the State.

PORTUGAL

30 June 1992
[Original: French]

10. The Government of Portugal, which took an active part in the drafting of the Convention on the Rights of the Child, is gratified by the speed with which it has come into force and by its wide acceptance by an unprecedented number of States parties from all regions of the world.

11. The Government of Portugal therefore observes with heightened interest the work undertaken within the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which has itself for many years devoted special attention to the situation of children, and in particular the question of child soldiers.

12. The Government of Portugal believes that it is essential to combat the participation of child soldiers in armed conflict, which has profound and detrimental effects upon children and merits coordinated efforts to eliminate its effects or to prevent it from occurring. It is unfortunately a well-known fact that the participation of children in armed conflicts, in particular their recruitment by the warring parties, has increased in recent years, leading to great, and often irremediable, physical, psychological or moral

suffering for the children concerned. Children require special protection on account of their vulnerability and immaturity; it is precisely Governments that are responsible for providing them with this protection, and for ensuring that they are allowed to grow up in an atmosphere of happiness and understanding and to develop their potential in a healthy and balanced manner.

13. In any event, the participation of children in armed conflicts must be roundly condemned. Employing children as combatants cannot fail to have dangerous and harmful consequences: children are particularly vulnerable as they lack experience and are unable to protect themselves against the potential physical and psychological consequences of combat.

14. In the spirit of the 1949 Geneva Conventions and the 1977 protocols, which are in force in Portugal, the protection of civilian populations, and in particular the protection of children, during armed conflicts should be reinforced. Bearing in mind the spirit of the Convention on the Rights of the Child, although Portugal would have preferred article 38 to contain a more explicit form of protection, it appears essential to interpret this provision in the light of the principle of the best interests of the child as set out in article 3. One of the required measures that all countries in the world should observe would undoubtedly be to prohibit the recruitment of children into the armed forces and at all costs to ensure compliance with the international instruments calling for the protection of children in this respect. In addition, in accordance with article 39 of the Convention on the Rights of the Child, all necessary measures should be taken to promote the physical and psychological recovery of children who have been recruited, as well as their social reintegration, so as to foster their health, self-respect and dignity.